23 SEP 2016

SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING OF
Friday, August 05, 2016

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Ryan Foster, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

Ryan Foster, Hearing Officer: opens meeting and reports Item 10, Lori & Rob Gillespie (DRC2014-00027) has been withdrawn.

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

   Ryan Foster, Hearing Officer: opens and closes public comment with one coming forward.

CONSENT AGENDA

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

3. May 6, 2016 PDH Minutes

   Thereafter, on motion of the hearing officer, the Planning and Building Department minutes of May 6, 2016 are Received and Filed as recommended and are available on file at the office of the County Planning and Building Department.

4. May 20, 2016 PDH Minutes

   Thereafter, on motion of the hearing officer, the Planning and Building Department minutes of May 20, 2016 are Received and Filed as recommended and are available on file at the office of the County Planning and Building Department.

5. A request by **CASEY & LYNN MCLEAN** for a Minor Use Permit (DRC20105-00124) to allow an as-built guesthouse above an existing garage to be located more than 50 feet from a permitted primary residence. The proposed project is located approximately 115 feet from the principal residence in the Agriculture land use category and is located at 4890 Ranchita Vista Way, approximately 1.5 miles northwest of the intersection of Ranchita Canyon Road and Ranchita Vista Way, approximately 8.5 miles northeast of the community of San Miguel. The site is in the El Pomar-Estrella Sub Area of the North County planning area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for this project.

County File Number: DRC2015-00124
Supervisorial District: 1
Project Manager: Cody Scheel

Assessor Parcel Number: 019-011-046
Date Accepted: May 24, 2016
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by CASEY & LYNN MCLEAN for a Minor Use Permit (DRC20105-00124) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 9 in Exhibit B. (Document Number: 2016-048_PDH)

6. A request by **SAN LUIS OBISPO COUNCIL OF GOVERNMENTS (SLOCOG)** for a Minor Use Permit / Coastal Development Permit (DRC2015-00046) to allow a new gateway monument sign for the community of Cambria, on the west side of Highway 1, to be viewed traveling southbound on State Highway 1 just south of the Moonstone Beach Drive exit. The project will result in 24 square-feet of site disturbance in the State Highway 1 right-of-way. The project is located in the Recreation land use category, approximately 650 feet south of the Moonstone Beach Drive and State Highway 1 intersection, in the community of Cambria. The project is located in the North Coast planning area. This project is exempt under CEQA.

County File Number: DRC2015-00046
Supervisorial District: 2
Project Manager: Brandi Cummings

Assessor Parcel Number: Right-of-way
Date Accepted: June 7, 2016
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by SAN LUIS OBISPO COUNCIL OF GOVERNMENTS (SLOCOG) for a Minor Use Permit / Coastal Development Permit (DRC2015-00046) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 8 in Exhibit B. (Document Number: 2016-049_PDH)

7. A request by **MOSCONI (PHILLIPS 66 PIPELINE LLC)** for a Coastal Development Permit/ Minor Use Permit (DRC2015-00044) to allow for the closure and abandonment of the Phillips 66 Company Line 354 Family of pipelines; this will include: exposing fourteen portions of three buried pipelines, where the pipes will be cleaned, capped and 'inerted' (neutralized with nitrogen gas). The project will be conducted in 14 work areas, and result in the total disturbance of approximately 12,570 square feet and excavation work will total approximately 124 cubic yards. The existing pipelines to be closed are within the following land use categories: Recreation, Agriculture, Rural Lands, Open Space and Industrial. Pipeline work location starts in the southwestern corner of the County (near Santa Maria River and the Pacific Ocean) and within the Guadalupe Oil Field Restoration area, and extend northeasterly for approximately 6.3 miles (over 10 existing parcels) to the existing Santa Maria Refinery on the Nipomo Mesa near Highway 1, in the South County (Coastal) Planning Area. Also to be considered is the approval of the environmental document. A mitigated negative declaration was issued on June 30, 2016.

County File Number: DRC2015-00044

APN(s): 092-041-003, 092-041-005,092-041-006, 092-041-008, 092-011-012, 092-021-018 092-011-009, 092-021-004, 092-011-019,& 092-391-019

Supervisorial District: 4
Project Manager: John McKenzie

Date Accepted: April 20, 2016
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by MOSCONI (PHILLIPS 66 PIPELINE LLC) for a Coastal Development Permit/ Minor Use Permit (DRC2015-00044) is granted based on the Findings A. through N. in Exhibit A and subject to the Conditions 1 through 31 in Exhibit B. (Document Number: 2016-050_PDH)

HEARING ITEMS

8. A request by **DANNY SULLIVAN** for a Minor Use Permit/Coastal Development Permit (DRC2015-00081) to allow for grading on slopes over 20 percent for two (2) single-family residences of 2,317 sq. ft. and 2,545 sq. ft. located on three (3) adjacent lots. Also requested are two (2) residential vacation rentals and modification to the 50 foot distance requirement between residential vacation rentals. The project will result in 3,626 square-feet of permanent site disturbance on an 11,370 square-foot project site. The project is located in the Residential Multi-Family land use category and is located at 260 and 264 San Miguel Street, at the intersection of San Miguel Street and Avila Beach Drive, in the community of Avila Beach. The project is located in the San Luis Bay (Coastal) planning area. This project is exempt under CEQA.

County File Number: DRC2015-00081
Supervisorial District: 3
Project Manager: Brandi Cummings

Assessor Parcel Number: 076-201-071 (portion)
Date Accepted: May 24, 2016
Recommendation: Approval

Brandi Cummings, Project Manager: presents staff report via a Power Point presentation.

Ryan Foster, Hearing Officer: clarifies with the Project Manager there are 3 in regards to one being merged with Brandi Cummings responding. Mr. Foster: also, opens Public Comment.

Anne Brown (AVAC): speaks to reasons to deny the proposed project.

Ryan Foster, Hearing Officer: invites the applicant to speak.

Danny Sullivan (applicant) and Rob Ganvine (builder and asst to architect): reviews proposed project and responds to Mrs. Brown's comments.

Ryan Foster, Hearing Officer: questions if they have any preference to which unit would be designated as vacation rental with Mr. Sullivan requesting this decision be left open.

Ken San Fillipo (AVAC): discusses that AVAC did not review this project and states concerns for the proposed project.

Sylvia Alcon, neighbor: states concern with the proposed project.

Vicky Book (AVAC): speaks to grading and drainage on the proposed project.

Danny Sullivan, Applicant: addresses Public Comment concerns.

Robert Ganvine, Architect: discusses the drainage plan and retaining wall.

Ryan Foster, Hearing Officer: closes Public Comment. Discusses oak tree replacement, storm water and drainage. With Ms. Cummings: stating Public Works will be reviewing the drainage plans and the plans are required to be prepared by a Civil Engineer.

Ryan Foster, Hearing Officer: addresses letter from AVAC that was submitted on July 15, 2016, in terms of Multi Family on this site and explains the principal permitted zoning uses currently. Discusses the initial will serve letter was based on three single family residences with Ms. Cummings: responding that the applicants revised plans to eliminate the 3rd residence in terms of this happening after the applicant's meeting with AVAC.

Ryan Foster, Hearing Officer: discusses traffic in terms of driveway with Ms. Cumming stating Public Works approved current alignment and are requiring curb, gutter & sidewalk. Feels it was unfortunate there was a lack of communication between the applicant and AVAC and will approve this project.

Brandi Cummings, Hearing Officer: reports this project went to AVAC in early march when there were no vacation rentals proposed and ACAC comments were to ask for additional parking, grading and landscaping plans. After that meeting applicant came through with revised plans. Then applicant came before subcommittee in early June, receiving comments from that meeting and asking the applicant to return to the following meeting with verification that the lots are legal, a revised site plan showing the project boundary, the trees to be removed and clarification from Public Works about the driveways being on County/Public rite-away. County staff responded via email to Mr. San Feillipo verifying that the lots were legal, pointing out the oak trees that were shown on the provided site plan and parking. County Staff returned to the July AVAC meeting and received recommendation that they preferred multi-family over single family, additional verification from Public Works and roof colors and building colors of the proposed project.

Ryan Foster, Hearing Officer: feels the findings can be made to approve this project and explains the appeal process.

Thereafter, on motion of the hearing officer, the request by DANNY SULLIVAN for a Minor Use Permit/Coastal Development Permit (DRC2015-00081) notes a Class 3 Categorical Exemption was issued on June 3 , 2016 and is granted based on the Findings A. through H. in Exhibit A and subject to the Conditions 1 through 28 in Exhibit B. (Document Number: 2016-051_PDH)

9. A request by **VERIZON WIRELESS** for a Minor Use Permit/Coastal Development Permit (DRC2015-00078) to allow the construction and operation of an unmanned wireless communications facility, consisting of one 4' tall cylindrical antenna on a new 43' tall utility pole that would replace an existing 34'-7" utility pole, two approximately 1.5' square equipment boxes ("RRUs") mounted at a height of 12' on the replacement pole, two ground mounted equipment cabinets of 50" and 39" in height within a 5' tall wooden fenced enclosure (4' x 7') at the base of the replacement pole, and associated utilities and mounting hardware. The proposed project will result in approximately 50 square feet of site disturbance in the Residential Single Family land use category. The project site is located in the County right-of-way on and adjacent to utility pole #199, in front of 2025 Oxford Avenue, about midway between Emmons Road and Kerwin Street, in the community of Cambria. The site is in the North Coast planning area. Also to be considered is approval of the proposed environmental determination.

This project is exempt under CEQA.

County File Number: DRC2015-00078
Supervisorial District: 2
Project Manager: Airlin M. Singewald

Location: County Right-of-Way
Date Accepted: June 30, 2016
Recommendation: Approval

Airlin Singewald, Project Manager: presents staff report via a Power Point presentation and discusses revised conditions submitted prior to hearing. Displays condition changes (Revised Condition #1c; #1d and New #2 & #3 and renumbering as needed) Condition and reads them into the record.

Ryan Foster, Hearing Officer: discusses co-location sites with Mr. Singewald. Confirms FCC regulation limiting basis of approval of disapproval with Mr. Singewald further explaining the radio frequency analysis in terms of FCC emission guidelines.

Pete Shuman, agent for Verizon: accepts revised conditions and discusses location of cabinet on the pole on the site plan and why it should not be located there.

Ryan Foster: opens Public Comment.

James Foss, Barbara Bronson-Grey, Tom Grey and Dan Ovilos: speak to the proposed project.

Pete Shuman, Agent: addresses public comment concerns using the overhead display.

Ryan Foster, Hearing Officer: closes Public Comment and begins his deliberation of the proposal. Addresses Public Comment concerns in terms of the findings to approve the project and explains the appeal process.

Thereafter, on motion of the hearing officer, the request by VERIZON WIRELESS for a Minor Use Permit/Coastal Development Permit (DRC2015-00078) notes a Class 3 Categorical Exemption was issued on July 28, 216 (ED15-317) and is granted based on the Findings A. through M. in Exhibit A and subject to the REVISED Conditions 1 through 28 in Exhibit B; Revised Condition 1c to read "Installation of two 1.70' x 1.54' RRUs at a height of approximately 10'-6" (from existing grade to bottom of RRU) on the replacement pole. The RRUs and all associated mounting hardware shall be painted to match the replacement pole. Wires entering the RRUs shall have the minimum amount of slack as technically feasible, shall be concealed within conduit to the maximum extent possible, and shall be completely painted to match the utility pole."; Revised Condition 1d to read "Installation of two ground-mounted equipment cabinets of 50" and 68" in height within a 6' tall wooden fenced enclosure (4' x 7') at the base (within 10'-11") of the replacement pole. The equipment cabinets shall be screened on four sides and completely concealed from public view. If technically feasible, the equipment cabinets shall be located on the utility pole rather than on the ground.; Revised Condition 2 to read "At the time of application for construction permits, the applicant shall submit and development shall be consistent with a revised site plan, antenna and equipment layout plan, and elevations showing all equipment cabinets located on the utility pole (rather than on the ground) or evidence that doing so would be technically infeasible. If the applicant determines and staff verifies that it would be infeasible to locate all equipment on the utility pole, then all development shall be consistent with the revised (July 24, 2016) site plan, antenna and equipment layout plan, and elevations." and New Condition 3 to read "At the time of application for construction permits, the applicant shall submit a revised radio frequency analysis verifying that the facility would comply with applicable FCC emission guidelines when assuming the construction of a new 28' tall, two-story single family residence (setback 10 feet

from Oxford Avenue) on the immediately adjacent vacant lot." and re-numbering as needed. (Document Number: 2016-052)

10. A request by **LORI & ROB GILLESPIE** for a Minor Use Permit (DRC2014-00027) to allow Temporary Events within a single family residence or within a barn on a 29.02 acre project site. The Temporary Events program will include: 10 events with up to 400 guests; 20 events with up to 350 guests; 10 events with up to 250 guests. No more than 40 events (including non-profits) are proposed onsite during one calendar year. The project also includes the phased construction of an approximate 4,000 sf barn. The project will result in the disturbance of approximately 4,500 sf. The project is located within the Rural Lands land use category, on the northeastern side of Ormonde Road (at 490 Ormonde Road), approximately 1.8 miles north of the City of Arroyo Grande, in the South County Planning Area, San Luis Bay Inland Sub Area South. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 30, 2016 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Hazards and Water and are included as conditions of approval.

County File Number: DRC2014-00027
Supervisorial District: 3
Project Mangaer: Holly Phipps

Assessor Parcel Number: 044-301-043
Date Accepted: October 10, 2014
Recommendation: Approval

Ryan Foster, Hearing Officer: states this item has been withdrawn.

Thereafter, on motion of the hearing officer, the request by LORI & ROB GILLESPIE for a Minor Use Permit (DRC2014-00027) has been withdrawn and no action will be taken today.

11. A request by **MATTHEW LUCAS & VALENTINA SARNO** for a Minor Use Permit / Coastal Development Permit (DRC2015-00134) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Recreation land use category and is located at 2915 Avila Beach Drive (Colony lot), approximately 480 feet east of 1st Street, in the community of Avila Beach. The site is in the San Luis Bay Coastal planning area. Also to be considered is the approval of the environmental document. A Class 1 categorical exemption was issued for this project.

County File Number: DRC2015-00134
Supervisorial District: 3
Project Manager: Cody Scheel

Assessor Parcel Number: 076-196-012
Date Accepted: June 8, 2016
Recommendation: Approval

Cody Scheel, Project Manager: presents staff report via a Power Point presentation. Reads into the record revised Condition 12.

Ryan Foster, Hearing Officer: confirms zoning clearance information in terms of business license lapse and a 12 month window to renew the license. Confirms vacation rental has been operating for 2 years. Opens Public Comment.

Matthew Lucas, Applicant: requests to speak after the public.

Ryan Foster, Hearing Officer: explains the Planning Department Hearing process.

Anne Brown (AVAC) and Ken San Felippo: speak to the proposed project.

Matthew Lucas, applicant: address Public Comment concerns.

Ryan Foster, Hearing Officer: closes Public Comment. Discusses the purpose of the application and reports the use is allowed and provides reasoning. Discusses opportunity to apply additional conditions to project and the applicant's willingness to respond to complaints. Feels this should be approved with the revised conditions.

Cody Scheel, Project Manager: reads into the record a new condition to address contact information for any complaints to be made.

Thereafter, on motion of the hearing officer, the request by MATTHEW LUCAS & VALENTINA SARNO for a Minor Use Permit / Coastal Development Permit (DRC2015-00134) noting a Class 1 Categorical Exemption was issued on August 5, 2016 and is granted based on the Findings A. through G. in Exhibit A and subject to the REVISED Conditions 1 through 14 in Exhibit B; Revised Condition 12 to read "The land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered valid and in force. This land use permit is considered to be valid and in force once a business license is issued for the residential vacation rental and proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval. If the County Tax Collector's business license for the use authorized through this Minor Use Permit lapses and expires for a period greater than 12 consecutive months, this land use permit shall be deemed to have lapsed pursuant to Section 23.02.052 of the Coastal Zone Land Use Ordinance." and Adding New Condition 14to read "The name, address and telephone number(s) of the local contact person shall be submitted to the Avila Valley Advisory Council." (Document Number: 2016-053_PDH)

ADJOURNMENT

Next Scheduled Meeting: August 19, 2016 in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Nicole Retana, Secretary
Planning Department Hearings

Minutes will be approved at the October 14, 2016, Planning Department Hearings Meeting.